In the High Court of Punjab and Haryana at Chandigarh.

Civil Revision No.5499 of 2006.

Date of decision:19.10.2006.

Mohinder Singh and another.

...Petitioners.

Versus

Captain Singh and another.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr. R.D.Bawa Advocate for the petitioners.

...

Judgment.

S. N. Aggarwal,J.

Harbhajan Singh respondent No.2 was the owner of the suit land. He had executed an agreement of sale dated 30.5.1996 in favour of Captain Singh respondent No.1 to sell the land at the rate of Rs.1,50,000/- per acre. Since the total land was less than one acre, the total price of the suit land came to be Rs.65,625/-. Harbhajan Singh had also received a sum of Rs.10,000/- as advance money and the sale deed was to be executed on 1.6.1997. Harbhajan Singh did not execute the sale deed. It was pleaded by Captain Singh respondent that he was ready and willing to perform his part of the contract and had appeared

in the office of Sub Registrar on 2.6.1997 because 1.6.1997 was a holiday. However, Harbhajan Singh, respondent committed breach of agreement. Thereafter, Captain Singh respondent No.1 filed a suit for possession by way of specific performance of the agreement of sale dated 30.5.1996. However, Harbhajan Singh, respondent No.2executed the sale deed dated 10.4.1997 for one kanal of land in favour of Mohinder Singh,petitioner. Harbhajan Singh also executed another sale deed dated 11.9.1997 for land measuring 1 Kanal 5 Marlas in favour of Mohinder Singh petitioner. Respondent No.2 again sold land measuring 1 Kanal 5 Marlas vide sale deed dated 11.9.1997 in favour of Dalbir Kaur petitioner.

The suit was contested by the petitioners who were subsequent purchasers from Harbhajan Singh.

Issues were framed.

The parties led the evidence.

Thereafter the petitioners filed an application for additional evidence to place on the file certified copy of order dated 3.4.1998 passed by the Civil Judge, Batala, a copy of order dated 17.1.2000 passed by this Court and the the copy of summoning order dated 26.10.1998 passed by the Judicial Magistrate Ist Class,Batala in order to prove that Captain Singh was in the habit of forging the documents and so also his uncle Shiv Singh who was the attesting witness of the agreement of sale set up by Captain Singh,respondent. This application was dismissed by the learned trial Court vide detailed order dated

7.8.2006.

Hence, the present petition.

The submission of learned counsel for the petitioners was that he is not to examine any witness. He is only to tender some documents and these documents were very material to prove that the suit was falsely filed by Captain Singh,respondent.

This submission has been considered. It was pleaded in the application for additional evidence by the petitioners that Captain had appeared as his own witness in this case on 3.12.1999 and he was cross-examined on these matters. It was also admitted by the petitioners that judgment was passed by the Hon'ble High Court on 17.1.2000 in the other case which the petitioners want to tender. The case remained pending and the petitioners had even closed their evidence on 9,.11.2004 and now the case is at its fag end. The petitioners pray for time to produce additional evidence.

The learned trial Court has passed a detailed and well reasoned order for exercising its judicial discretion in declining permission to the petitioners for leading additional evidence. I find no reason to disturb the said order.

No merit.

Dismissed.

October 19,2006. (S. N. Aggarwal)
Jaggi Judge